

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

C. GREGG THOMAS,

Plaintiff,

vs.

GAY ANN MASOLO; CHARLES
MASOLO; and UNITED STATES OF
AMERICA, DEPARTMENT OF THE
INTERIOR, BUREAU OF LAND
MANAGEMENT

Defendants.

Cause No. 2:22-CV-00055-BMM-JTJ

ORDER

Defendants Gay Ann Masolo and Charles Masolo (Masolos) have moved this Court for an Order remanding this case back to Montana First Judicial Court, Broadwater County (Broadwater County), pursuant to 18 U.S. Code § 1447(c). (Doc. 6.)

On August 1, 2022, C. Gregg Thomas (Thomas) filed a Complaint in this Court listing Masolos, the United States of America and the Bureau of Land Management as defendants. (Doc. 1.) On August 2, 2022, Thomas filed a Notice of Removal attempting to remove a case to this Court that does not exist in Broadwater County, listing Thomas as the Plaintiff and Masolos, the United States

of America and the Bureau of Land Management as the Defendants. (Doc. 3.) In the Broadwater County case, the Masolos are the Plaintiffs and Thomas is the Defendant. (Doc. 7-1.) No basis for removal exists under either federal question or diversity jurisdiction. Thomas's attempt at removal is procedurally deficient.

Accordingly, IT IS HEREBY ORDERED that Masolos' Motion to Remand is DENIED as MOOT, as the case *C. Gregg Thomas v. Gay Ann Masolo, Charles Masolo, United States of America and the Bureau of Land Management* does not exist in Broadwater County. IT IS ALSO ORDERED that Thomas's Notice of Removal (Doc. 3) shall be stricken from the record in CV-22-55-BU-BMM-JTJ.

Thomas may file a corrected Notice of Removal with the Court and pay the filing fee that is required when opening a new case. The Court advises Thomas, however, that removal of a state action would result in a separate case from the instant cause of action, which Thomas has brought under 28 USCA § 2409a. (Doc. 1.) Thomas may only remove his state court case if the district courts of the United States would have original jurisdiction over the state court action. 28 U.S.C.A. § 1441.

DATED this 5th day of August, 2022.



Brian Morris, Chief District Judge
United States District Court